

REMARKS

This paper is intended as a full and complete response to the Office Action dated September 26, 2005, having a shortened statutory period for response set to expire on December 26, 2005. Applicant has included a Petition for a One-Month Extension of Time with the associated fee.

Claims 1-4, 7 and 9 are currently amended in the Application.

Claims 1-9 are pending in the Application.

I. 35 USC § 103

The Office Action rejected Claims 1-3, 6-7, and 9 under 35 UCS § 103(a) as being unpatentable over *Higgins* Patent Application Number 2003/0185169 in view of *Burstein* Patent Application Publication Number 2003/0193307.

Applicant's device is a wireless communication device that provides the user with flexibility as to the type of modem (See Applicant's Paragraph [00050]). Applicant's device can be connected directly to a strand (See Applicant's Figure 1 and Paragraph [00020]). Applicant's device further utilizes power from the coaxial network while attached to the cable strand, rather than from a secondary source (See Applicant's Figure 1 and Paragraph [00021])

As claimed, Applicant's device allows the user to interchange modem types. The flexibility in the Applicant's device allows the user to modify and upgrade their network without having to purchase entire new hubs. *Higgins* is a static design in that only a wireless modem 18 is provided. The wireless modem is a single product in which the radio and modem are combined into one unit. *Higgins* does not permit users to interchange modems with specific characteristics advantageous to the user.

Applicant's device has a direct connection to the strand (See Applicant's Figure 1 and Paragraph [00020]). Applicant's device draws power and the signal directly from the coaxial network while attached directly to the strand. The direct connection on the strand

provides the benefit of not requiring the user to obtain a permit from the city to install since contact with the utility pole is not necessary for installation (See Applicant's Figure 1 and Paragraph [00020]). Further, the direct connection and flexibility of modems allows the Applicant's device to be used as a point-to-point from strand to customer premise or as a point-to-multipoint as either strand to multiple premises or as a Hotspot as a strand to mobile devices.

Conversely, *Higgins* is wireless network access system that provides a multiplicity of access point devices, each being capable of relaying information (See *Higgins* Paragraph [00012]). The wireless network is provided as a tree structure wherein each access point feeds back to a higher access point of the multiplicity of access point devices (See *Higgins* Figure 1 and Paragraphs [00012] and [00023]). With a tree structure, *Higgins* is designed to be placed at multiple locations on the roof, side of house, or other location on the customer premise, but each location has to have access to the access point (See *Higgins* Paragraphs [00024]).

For power, Applicant's device incorporates a splitter that engages the single fiber or coaxial cable from the strand. Applicant's splitter splits the RF spectrum signal from AC power (See Applicant's Figure 1 and Paragraph [00025]). The AC power is converted to DC power and subsequently supplied to various components in the device. The RF spectrum signal is sent to the changeable bidirectional high speed data modem to be processed through the radio transceiver and transmitted through an antenna (See Applicant's Figure 1 and Paragraphs [00023] through [00025]).

Higgins utilizes at least two splitters 22 and 26. Splitters 22 and 24 are the interface between the power from an outside source and data signals, which is more commonly known in the art as a breakout box. A breakout box is used for ease of connecting connections using standard types of cables and connectors.

Applicant's splitters allow for the different types of modems to be interchanged without any need to modify the device itself. In contrast, *Higgins* uses at least two splitters, each similar to a breakout box, for the ease of connecting connections using standard types of cables and connectors and separating a four-pair cable into AC/DC power from data signals.

Burstein teaches a method and apparatus for controlling a fan for evacuating warm air from an enclosure (See *Burstein*, Paragraph [0015]). Applicant believes that *Burstein* does not teach the missing elements from *Higgins* of interchangeable modems, connection of the housing to the strand, and use of power from the coaxial network.

Claims 2 - 3, 6 - 7, and 9 are dependent on independent Claim 1, and therefore include all the features thereof. Since Applicants believe that independent Claim 1 is patentable over *Higgins* in view of *Burstein*, Claims 2 - 3, 6 - 7, and 9 are believed to be patentable. Applicant believes no new matter has been added with these amendments. Reconsideration of the rejection to Claims 2 - 3, 6 - 7, and 9 in view of the amendments and remarks is respectfully requested.

The Office Action rejected Claims 4 - 5 and 8 under 35 USC § 103(a) as being unpatentable over *Higgins* (Patent Publication Number 2003/0185169) in view of *Burstein* (Patent Publication Number 2003/0193307) in further view of *Bishop* (Patent Number US 6,377,782).

Bishop teaches a method of upstream communication over a linear broadband network including the steps of generating an upstream baseband signal and modulating it onto an upstream wireless radio frequency carrier to produce a first upstream modulated carrier signal. Applicant believes that *Bishop* does not teach the missing elements from *Higgins* in view of *Burstein* of interchangeable modems, connection of the housing to the strand, and use of power from the coaxial network.

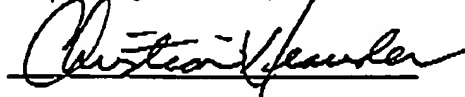
Claims 4 - 5 and 8 are dependent on independent Claim 1, and therefore includes all the features thereof. Since Applicants believe that independent Claim 1 is patentable over *Higgins* in view of *Burstein*, Claims 4 - 5 and 8 are believed to be patentable. Applicant believes no new matter has been added with these amendments. Reconsideration of the rejection to Claims 4 - 5 and 8 in view of the amendments and remarks is respectfully requested.

Applicants appreciate the Examiner's time and attention to this matter. Applicants believe Claims as now provided are in condition for allowance. Reconsideration of this application is respectfully requested.

Date:

1/26/06

Respectfully submitted,



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